

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA (Johnstown)**

<b>In Re:</b>	<b>Case No.: 25-70001-JAD</b>
<b>WILSON CREEK ENERGY, LLC, et al.,<sup>1</sup></b>	<b>Chapter 11</b>
<b>Debtors.</b>	<b><i>Jointly Administered</i></b>
<b>WILSON CREEK ENERGY, LLC, et al.,</b>	<b>Related to Document No. 116</b>
<b>Movants,</b>	<b>Hearing Date: March 10, 2025</b>
<b>-vs -</b>	<b>Hearing Time: 10:00 a.m.</b>
<b>NO RESPONDENTS,</b>	<b>Response Deadline: February 24, 2025</b>
<b>Respondents.</b>	

**RESERVATION OF RIGHTS OF THE UNITED STATES  
TRUSTEE TO DEBTORS' SALE MOTION**

Andrew R. Vara, United States Trustee for Regions 3 and 9 (the “United States Trustee”), hereby files this reservation of rights to the *Debtors’ Motion for Entry of Orders (A) Approving Sale of All or Substantially All of the Debtors’ Assets Free and Clear of Liens, Claims, Encumbrances, and Interests, (B) Approving Bidding Procedures for Sale of All or Substantially All of Debtors’ Assets, (C) Authorizing the Debtors to Designate Stalking Horse Bidder and Approving Proposed Stalking Horse Bid Protections, (D) Scheduling Auction for and Hearing to*

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1 The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number are: Wilson Creek Energy, LLC (6202); Wilson Creek Holding, Inc. (7733); Maryland Energy Resource, LLC (5299); Mincorp Acquisition Corp. (4858); Mincorp Inc. (5688); PBS Coals, Inc. (2413); Roxcoal, Inc. (3768); Quecreek Mining, Inc. (1745), Croner, Inc. (0529); Elk Lick Energy, Inc. (8551); and Corsa Coal Corp. (0027). Hereinafter they are referred to collectively as the “Debtors”.

*Approve the Sale of the Debtors' Assets, (E) Approving Form and Manner of Notice of Sale, Auction, and Sale Order Hearing, (F) Approving Assumption and Assignment Procedures, (G) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Leases, and (H) Granting Related Relief.* (the "Sale Procedure Motion)(D.I. 116).

## **BACKGROUND**

1. On January 6, 2025 (the "Petition Date"), the Debtors filed chapter 11 petitions in the Western District of Pennsylvania. *See D1.1.*
2. On January 17, 2025, the United States Trustee appointed the Official Committee of Unsecured Creditors. *See D.I. 122, 133.*
3. On January 16, 2025, the Debtors filed the Sale Procedure Motion seeking: (a) entry of a sale order authorizing and approving the sale of substantially all of Debtors' assets; (b) establishing dates and deadlines for the sale process; (c) authorizing and approving bidding, auction, and sale procedures (including the designation of a stalking horse bidder); (d) scheduling an auction for the sale(s) of the assets; (e) authorizing and approving the form of a proposed asset purchase agreement; (f) authorizing and approving the form and manner of certain notices relative to the sale process; (g) authorizing and approving contract assumption procedures; and (h) authorizing and approving the form and manner of certain post-auction notices.
4. On January 28, 2025, this Court entered an order approving the Sale Procedure Motion. *See D.I. 193.* Pursuant to that order, the deadline for the Debtors to designate a stalking horse bidder was February 14, 2025. The deadline to object to the proposed sale is February 24, 2025.
5. As of the date of this Reservation of Rights, the Debtors have not designated a

stalking horse bidder or filed a proposed sale order. *See Docket.* Accordingly, the United States Trustee files this reservation of rights pending review of the sale order and any amendments to the proposed asset purchase agreement.

**RESERVATION OF RIGHTS**

The United States Trustee expressly reserves the right to (a) raise any objection he may have with respect to the terms of the proposed sale order or asset purchase agreement, including without limitation, any: (i) request for broad releases of the secured lenders and their affiliates or any inappropriate or (ii) inappropriate grant of successor liability and (b) to be heard before the Court with respect to the entry of the sale order and to raise additional arguments or objections in connection therewith.

Respectfully Submitted,

ANDREW R. VARA  
UNITED STATES TRUSTEE  
REGIONS 3 & 9

Dated: February 24, 2025

By: /s/ Kate M. Bradley  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of February 2025, a copy of the foregoing *Reservation of Rights* was served via the CM/ECF upon all parties registered thereto.

By: /s/ Kate M. Bradley  
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